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FM AMEMBASSY QUITO  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3792  
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 5408  
RUEHCV/AMEMBASSY CARACAS PRIORITY 1617  
RUEHLP/AMEMBASSY LA PAZ MAR 9704  
RUEHPE/AMEMBASSY LIMA PRIORITY 0391  
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 0047  
RHMFISS/CDR USSOUTHCOM MIAMI FL

UNCLAS QUITO 000534

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SENSITIVE  
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E.O. 12958: N/A  
TAGS: [PREL](#) [PGOV](#) [PHUM](#) [EC](#)  
SUBJECT: EX-PRES. GUTIERREZ RELEASED FROM PRISON

REF: QUITO 320

11. (SBU) Summary: Ex-President Lucio Gutierrez has been cleared of bogus sedition charges, and was released from prison on March 3. Gutierrez' vindication may be partial, however, with other charges still pending against him for constitutional violations. Rumors of his release will recharge the political climate, and generate debate over his grassroots support and declared electoral ambitions. End Summary.

12. (U) The president of Quito's Superior Court, Fernando Casares Carrera, dismissed sedition charges against ex-President Lucio Gutierrez. Gutierrez, who has been detained since October 14, 2005, left prison on the afternoon of March 3. Separate charges filed by attorney general Cecilia Armas with the Supreme Court on February 2 against Gutierrez (for violating the constitution while President by dissolving the Supreme Court in April 2005, and for convoking a special session of Congress which selected a new court in December 2004) are still pending (RefTel). Upon his release, Gutierrez immediately declared his presidential candidacy for the PSP party. Presidential advisor Jose Modesto Apolo told press earlier in the day that the Palacio administration would not attempt to prevent Gutierrez' release from prison. However, the chief prosecutor of Pichincha province, Washington Pesantes, has announced that he will appeal the dismissal.

Comment

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13. (SBU) The dismissal of the sedition charges against Gutierrez, based solely on his public statements made while in exile, was fully justified, in our view. His release will recharge the political atmosphere here, but the level of his grassroots support is an open question. Though some claim a solid core of grassroots support for Gutierrez, especially in the sparsely-populated Amazon region from which he hails, the number of supporters who greeted Gutierrez and have maintained a vigil outside his prison have been small.  
JEWELL